

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN THOMAS BROOKS,

Defendant.

4:17-CR-3125

ORDER

This matter is before the Court on the motion to withdraw ([filing 149](#)) filed by the defendant's trial counsel. The motion will be denied, because counsel's request must be filed with the U.S. Court of Appeals for the Eighth Circuit.

Specifically, Rule 27B(a) of the Eighth Circuit's Local Rules provides:

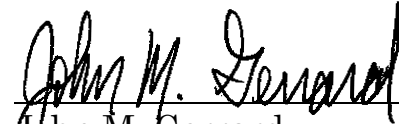
Retained counsel in criminal cases, and counsel appointed to represent a party pursuant to the provisions of the Criminal Justice Act, [18 U.S.C. § 3006A](#), [Federal Rule of Criminal Procedure 44](#), or the inherent power of a federal court, shall file a notice of appeal upon their client's request. Defendant's trial counsel, whether retained or appointed, shall represent the defendant on appeal, *unless the Court of Appeals* grants permission to withdraw.

[8th Cir. R. 27B\(a\)](#) (emphasis supplied). Therefore, trial counsel's motion must be directed to the Court of Appeals in compliance with [8th Cir. R. 27B\(a\)](#).

IT IS ORDERED that the motion to withdraw ([filing 149](#)) is denied.

Dated this 16th day of April, 2019.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", written over a horizontal line.

John M. Gerrard
Chief United States District Judge